Tribal Participation In The TFW Agreement

Introduction

More than a decade ago, treaty tribes and other stakeholders in Washington's forest resources agreed to find common ground for responsible natural resource management instead of waging costly and lengthy battles in the courts to resolve their differences. The result was the unprecedented Timber/Fish/Wildlife (TFW) Agreement. For the past 11 years, the tribes and tribal organizations in Washington state have participated in the TFW Agreement, along with the timber industry, state and local governments, recreational, and environmental groups.

Tribal participation is a critical component of TFW. The tribes offer a centuries-old tradition of resource stewardship, practice state-of-the-art technological innovation and are strategically located to respond to the critical management needs of watersheds.

For the tribes, a primary component in the success of TFW has always been the cooperative decision-making process. This consensus-based approach has empowered the tribes and acknowledged their management authority regarding forest practices management. The tribes have demonstrated their ability to establish and maintain a cooperative process for the management of forest resources while incorporating tribal concerns.

The tribes continued their role in implementing mandates and regulations for watershed analysis, which addresses cumulative effects of forest practices, as well as wetland and wildlife protection. Information learned from these efforts is being used in negotiations of the new forest practices rules as well as in refining the watershed analysis process. Both are examples of adaptive management, a key component of the TFW process. Adaptive management encourages monitoring and evaluation to constantly gauge the effectiveness of management practices and determine if changes are needed.

Rodger Stahi, Yakama Tribe, measures the density of the forest canopy along a stream.

The Northwest Indian Fisheries Commission (NWIFC) acts as a central clearinghouse and facilitator for these decisions. The NWIFC provides an organizational base to deal with in-common issues and needs. The tribes and the NWIFC then coordinate with other TFW participants.

The advantages of this process and structure are threefold. First, it provides a broad base of local participation for all parties, including each tribal government involved in the process. Second, it provides tribal and local governments with flexibility to address regional and political differences. Third, this process and structure is efficiently designed without a top-heavy bureaucratic response that is costly and slow to react to environmental problems.

Improving Water Quality, Salmon Habitat, Key To Negotiations

Recent events caused the TFW caucuses to come together at the policy level once again to try to negotiate a new round of issues. These negotiations are commonly referred to as the "forestry module" for state salmon recovery.

Under the Endangered Species Act, Upper Columbia steelhead have been listed as endangered, Snake River and Lower Columbia steelhead and Columbia River bulltrout have been listed as threatened, and Puget Sound chinook salmon and other salmonids are proposed for listing. In addition, more than 660 Washington streams are on the 303(d) list for water quality problems under the Clean Water Act.

Indian and non-Indian commercial fishermen have been forced into unemployment with the decline

in fish populations. The timber industry also has economic concerns in the face of changing regulations related to forest management. Last October, the caucuses — now expanded from the original four to six with the addition of federal and local governments — decided to return to the negotiating table to try to develop joint solutions to these problems.

Goals

The goals of the forestry module negotiations are fourfold:

- To provide compliance with the Endangered Species Act for aquatic and riparian-dependent species on non-federal forest lands;
- To restore and maintain riparian habitat on non-federal forest lands to support a harvestable supply of fish;
- To meet the requirements of the Clean Water Act for water quality on non-federal forest lands; and
- To keep the timber industry economically viable in the State of Washington.

Participants

The six caucuses participating in the negotiations are:

- The federal government (represented by the National Marine Fisheries Service, Environmental Protection Agency, U.S. Fish & Wildlife Service, and U.S. Forest Service),
- Individual tribes and Indian nations in the State of Washington,
- The state, represented by the Department of Natural Resources (DNR); Department of Ecology (DOE); Washington Department of Fish and Wildlife (WDFW); and Governor's office,
- Local governments (represented by the Washington Association of Counties and individual counties),
- The environmental community (represented by the Washington Environmental Council, National Audubon Society, American Rivers, and Sustainable Fisheries Foundation), and
- The timber industry (represented by the Washington Forest Protection Association, Washington Farm Forestry Association, and individual timber companies and small landowners).

Note: As of Sept. 1, 1998, the Washington Environmental Council and the National Audubon Society have withdrawn from Forestry Module negotiations, but not necessarily from the TFW process.

Process

The process of negotiating to consensus is slow and deliberate, and it allows time for the different sides to better understand one another's concerns and to build relationships that will strengthen implementation of whatever agreement may ultimately be reached. In that context, there have been numerous two- and three-day sessions attended by representatives of all caucuses. Each caucus has also met many times to discuss the issues internally among members and to develop trust for caucus negotiators. Cross-caucus meetings have been held to further understanding on particular points. In addition, technical groups have been working on assigned tasks so that the agreement can be shaped by sound science. The issues are revisited throughout the process; with each return, the focus sharpens as the different caucuses understand and appreciate each other's realities more thoroughly. Throughout the process, it has been important for each caucus's negotiators to keep their members informed, as the members will need to give their blessing to support a final agreement.

Critical Issues

The TFW caucuses began with 14 key issues they wanted to consider. The original issues were: (1) regulatory approach, (2) water typing, (3) riparian strategy and rule package, (4) watershed analysis, (5) roads — program and budget, (6) hydrology, (7) unstable slopes, (8) pesticides, (9) cultural issues, (10) adaptive management, (11) budget and resources, (12) program improvements, (13) small landowners, and (14) water quality issues.

As discussions got under way, it became clear that although all of these issues — and others identified later in the process — are important, a few overlap, and some need to be resolved before others. For example, water quality can be addressed through the riparian strategy, roads program, and unstable slopes. Regulatory approach and program improvements can be covered in the resolution of several other issues. Hydrology can be addressed in many aspects of this negotiation but will also need further consideration through research and adaptive management.

Priorities have been focused on the negotiation of several key substantive and implementation issues. The substantive issues are riparian protection for fish habitat and non-fish habitat streams (with water typing as a corollary), road maintenance and construction, and protection for unstable slopes. Included are also regional variations for riparian protection. The implementation issues are adaptive management, enforcement and compliance, and the use and modification of watershed analysis.

For each issue as appropriate, the vision, resource objectives, ecological functions, monitoring, assurances, variations for small landowners, and funding and resources are discussed along with the agreed upon manner of management. What is common ground now may evolve as the process concludes, and other key issues may also be addressed as part of the final agreement. Ultimate agreement will depend on how the final package comes together.

FY-98 Accomplishments

Following is a synopsis of individual and cooperative tribal TFW activities:

- Monitoring is an essential element of current management to evaluate whether regulations, management practices and restoration efforts are achieving stated goals. Monitoring standards and procedures were developed to provide a consistent database of useful information that can be used with confidence by field managers, watershed analysts and policy makers. Extensive training has been developed by and provided to TFW cooperators to ensure consistency on standard data collection methods, quality assurance, and watershed analysis. Method manuals are also developed and provided.

- In FY-97 and FY-98, TFW participants began making the transition from establishing ambient monitoring, or existing conditions data, to effectiveness monitoring. While ambient monitoring continues, the emphasis has been on development of a TFW Effectiveness Monitoring and Evaluation Program to establish a method of examining how well forest practices are working.

Effectiveness monitoring procedures and guidelines have been established for three scenarios. One is to determine the effectiveness of forest practices such as timber harvest, road construction or riparian management within the context of a certain site. For example, constructing a logging road has a greater impact on a steep slope than on flat ground. Secondly, criteria are being developed to determine the cumulative effects and the response of aquatic resources over time to many activities on a watershed scale. Finally, there is a need for "big picture" evaluations that look at regional trends in aquatic resource conditions, such as trends in water temperatures, and how they are affecting Puget Sound salmon.

The following effectiveness monitoring pilot projects are under way: a riparian prescription project in the Northwest Cascades; a watershed analysis effectiveness monitoring project in the Taneum Creek watershed east of Seattle; a road maintenance plan prescription monitoring project; and a large woody debris recruitment, mass wasting and road maintenance monitoring project utilizing funding from DOE Centennial Grants.

- Based on the re-typing of many streams, tribes and other TFW participants worked on proposals for riparian management zones along streams. Technical and policy staff of TFW cooperators worked on proposed changes to everything from building roads to how logging prescriptions are carried out on steep and unstable terrain. Information gathered in FY-97/98 and in previous years is proving invaluable in creating forest practices proposals and constraints.

- Utilizing a Public Involvement and Education Fund grant from the Puget Sound Water Quality Action Team, NWIFC TFW staff, in cooperation with Grays Harbor College and the NW Natural Resource Technology Consortium, completed a video of one of the methods, "Salmonid Spawning Gravel/ Composition Survey." Copies of the video will be available for loan or purchase at cost.

- Tribal TFW staff worked on myriad projects restoring habitat for salmon rearing and spawning. Some projects were done cooperatively with other TFW participants. Bridges replaced problem culverts, vegetation was planted to prevent too much silt in the streams, and stream banks were protected utilizing woody debris. Tribes were also active on a day-to-day basis reviewing forest practice applications, and participating in interdisciplinary team meetings on specific applications.

- Watershed analysis continued to be a major focus of TFW cooperators. The tribes participate as either partners in a watershed analysis or are actively involved in reviewing analysis work by other agencies.

Tribes and Tribal Organizations Participating in TFW:

Chehalis Tribe, Colville Confederated Tribes, Hoh Tribe, Jamestown S'Klallam Tribe, Lower Elwha Klallam Tribe, Lummi Nation, Kalispel Tribe, Makah Tribe, Muckleshoot Tribe, Nooksack Tribe, Nisqually Tribe, Port Gamble S'Klallam Tribe, Puyallup Tribe, Quileute Tribe, Quinault Indian Nation, Sauk-Suiattle Tribe, Shoalwater Bay Tribe, Skokomish Tribe, Spokane Tribe, Squaxin Island Tribe, Stillaguamish Tribe, Suquamish Tribe, Swinomish Tribe, Tulalip Tribes, Upper Skagit Tribe, Yakama Indian Nation, Northwest Indian Fisheries Commission, Point No Point Treaty Council, and Skagit System Cooperative.

For More Information

For more information about the natural resource management activities of the treaty Indian tribes in western Washington, contact the Northwest Indian Fisheries Commission, 6730 Martin Way E., Olympia, WA 98516; or call (360) 438-1180. The NWIFC home page is available on the World Wide Web at www.nwifc.wa.gov.